

SERIAL NO. 09/764,220

DOCKET NO. 1293.1161

REMARKS**INTRODUCTION:**

In accordance with the foregoing, the specification has been amended to improved form and to correct a typographical error, and claims 1-3, 7, 8, 12, 13, 15, and 19 have been amended. No new matter is being presented, and approval and entry of the foregoing amendments are respectfully requested.

In addition, while the Examiner outlines the general legal background of determining the meaning of claim terms on pages 2-4 of the Office Action, it is respectfully submitted that claims are to be examined according to their broadest reasonable meaning in accordance with MPEP 2111. There is no requirement of identification by the applicant, prior to examination, as to which terms are drawn to the legal doctrine of lexicography as such a requirement would be contrary to MPEP 2111 and would otherwise be inconsistent with the broadest reasonable interpretation of the claim term to be applied during examination. As such, it is respectfully submitted that the applicant is entitled to the broadest reasonable interpretation of the claim as would be understood by one of ordinary skill in the art in light of the plain meaning of the claim terms and/or any understanding drawn from the specification as appropriate. Lastly, with regard to the remaining legal positions taken by the Examiner but which are not directly addressed in the below response, it is respectfully submitted that any such issues have not become sufficiently germane or ripe for present resolution, and that any contrary arguments are not presented directly in order to expedite prosecution and to narrow the scope of the relevant issues. Therefore, applicant reserves the right to address such as issues as needed and without prejudice.

Claims 1-19 are pending and under consideration. Reconsideration is requested.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action at pages 4-8, the Examiner rejects claims 1, 3-6, 8-10, 13-15, and 17-19 under 35 U.S.C. §102 in view of eSHOP Technology Merchant Manual or Blinn (U.S. Patent No. 5,999,914). These rejections are respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner is correct with regard to the availability and disclosure of the eSHOP Technology Merchant Manual or Blinn and consistent with the statement of the Examiner on page 12 of the Office Action, neither the eSHOP Technology Merchant Manual nor Blinn disclose or suggest organizing the store fronts of the eSHOP

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Technology Merchant Manual or the stores of Blinn according to geographical information. As such, it is respectfully submitted that neither the eSHOP Technology Merchant Manual nor Blinn disclose or suggest "a shopping mall web server that forms a cyber agency shopping mall for each of a plurality of agencies, provides the agency product information received from the agency web browsers corresponding to respective cyber agency shopping malls to the customer web browser organized according to geographic information of the respective plurality of agencies, and receives the product order information from the customer web browser through the Internet" as recited in claim 1.

For similar reasons, it is respectfully submitted that neither the eSHOP Technology Merchant Manual nor Blinn disclose or suggest the invention recited in claims 3, 8, 13, 15, and 19.

Claims 4-6, 9, 10, 14, 17, and 18 are deemed patentable due at least to their depending from corresponding claims 3, 8, 13, and 15.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action at pages 8-12, the Examiner rejects claims 1, 3-6, 8-11, 13-16, 18 and 19 under 35 U.S.C. §103 in view of Kondoh et al. (U.S. Patent Publication No. 2001/56377) and Moore et al. (U.S. Patent No. 6,330,575). The rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner is correct with regard to the availability and disclosure of Kondoh et al. and Moore et al. and that the combination is correct, consistent with the statement of the Examiner on page 12 of the Office Action, it is respectfully submitted that the combination does not disclose or suggest "a shopping mall web server that forms a cyber agency shopping mall for each of a plurality of agencies, provides the agency product information received from the agency web browsers corresponding to respective cyber agency shopping malls to the customer web browser organized according to geographic information of the respective plurality of agencies, and receives the product order information from the customer web browser through the Internet" as recited in claim 1.

For similar reasons, it is respectfully submitted that the combination of Kondoh et al. and Moore et al. does not disclose or suggest the invention recited in claims 3, 8, 13, 15, and 19.

Claims 4-6, 9-11, 14, 16, and 18 are deemed patentable due at least to their depending from corresponding claims 3, 8, 13, and 15.

In the Office Action at pages 12-13, the Examiner rejects claims 2, 7, and 12 under 35 U.S.C. §103 in view of Kondoh et al. and Moore et al., the eSHOP Technology Merchant

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Manual or Blinn and Dunworth et al. (U.S. Patent No. 5,930,474). The rejection is respectfully traversed and reconsideration is requested.

On pages 12-13 of the Office Action, the Examiner asserts that Dunworth et al. discloses maps having regions and which are searched to list stores in a selected region, and that the users may desire predicated information from the Internet as opposed to subject matter or keyword searches. As a point of clarification, Dunworth et al. is drawn to a mapping system in which a web organizer server 114 provides users with a geographically organized perspective of available information. In this way, a user can limit the scope of a search for a good or service to within a given travel radius. In the given example, the user limits the geographic scope of a search for a book to Los Angeles. Using the server 114, the user can find a geographically convenient location for the appropriate good (i.e., a book), and is prevented from only locating the good in an undesirable location requiring the user to travel for hours to obtain the good. (Col. 7, lines 5-29 of Dunworth et al.)

However, while disclosed as being useful where a user is trying to reduce travel and search time within a location to which the user is willing to travel, there is no disclosure that the geographical scope search limitations are useful where the user is not traveling to a store since, when purchasing electronically, the user remains at the computer. Specifically, Dunworth et al. does not disclose or suggest that the server 114 would be useful in electronic commerce situations where the user orders, pays for, and receives through shipment a desired product without traveling to the store providing the good. As noted in CHANNEL CONFLICT: THE IMPACT OF DIRECT INTERNET SALES OF PERSONAL COMPUTERS ON TRADITIONAL RETAIL CHANNELS, at page 19, one of the benefits of online shopping is that online stores facilitate "shopping by anyone, anytime, anywhere in the world who is connected to the Internet" and to allow shopping from "home, from work, or any other place that she may have access to the Internet." As such, even assuming arguendo that Dunworth et al. suggests using geographical predicated information, Dunworth et al. teaches using geographical predicated information in order to prevent the user from spending unnecessary amounts of travel time for a user trying to access a good, but does not teach that the geographical predicated information is useful in electronic commerce where the user receives the good through shipment.

As a general matter, in order to establish a prima facie obviousness rejection, the Examiner needs to provide both the existence of individual elements corresponding to the recited limitations, and a motivation to combine the individual elements in order to create the invention as recited in the claim. Both the individual elements and the motivation need to be shown to have existed in the prior art. Should the Examiner fail to provide evidence that either

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one of the individual elements or the motivation does not exist in the prior art, then the Examiner has not provided sufficient evidence to maintain a prima facie obviousness rejection of the claim.

MPEP 2143.03. Moreover, the Examiner is to consider the totality of the record and address evidence in the record that appears to teach away from making a combination to achieve the recited invention. MPEP 2143.01. Thus, the burden is initially on the Examiner to provide evidence as to why one of ordinary skill in the art would have been motivated to combine the individual elements to create the recited invention, to demonstrate that this evidence existed in the prior art, and to weigh the impact of any contrary teaching on whether one of ordinary skill in the art would have been motivated to make the asserted combination in order to achieve the recited invention.

Since Kondoh et al., Moore et al., the eSHOP Technology Merchant Manual and/or Blinn are not relied upon for curing the above noted defect, it is respectfully submitted that the combinations of Kondoh et al. and Moore et al., the eSHOP Technology Merchant Manual or Blinn and Dunworth et al. do not disclose or suggest that "the agencies are divided according to regions in which each offline agency is physically located, and the shopping mall server further displays a map on the customer web browser such that, when the customer selects one of the regions in the map, hyper links of all the cyber agency web servers related to the selected one region are displayed, and the customer selects one of the cyber agency web servers having the displayed hyper links corresponding to the desired offline agency" as recited in claim 2.

For similar reasons, it is respectfully submitted that the combination does not disclose or suggest the invention recited in claims 7 and 12, and similarly does not disclose or suggest the invention recited in claims 1, 3, 8, 13, 15, and 19.

In the Office Action at pages 13-14, the Examiner rejects claim 11 under 35 U.S.C. §103 in view of Kondoh et al. and Moore et al., the eSHOP Technology Merchant Manual or Blinn and Sharp et al. (U.S. Patent No. 6,263,317). The rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner is correct with regard to the availability and disclosure of Kondoh et al., Moore et al., the eSHOP Technology Merchant Manual and/or Blinn and Sharp et al. and that the combinations are correct, it is respectfully submitted that the combinations do not disclose or suggest at least "providing, on request of a customer web browser, an organization of the agencies according to geographic information of the agencies and from which the customer selects in order to select the agency, and providing agency product information of the selected agency to the customer web browser through an Internet" as recited in claim 8, from which claim 11 depends. As such, it is respectfully submitted that the

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combinations do not disclose or suggest the invention recited in claim 11 due at least to the combinations not disclosing or suggesting the invention recited in claim 8.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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By: 

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January 7, 2004

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ATTN: Examiner: Jennifer I Harle

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FROM: James G. McEwen

Re: U.S. Patent Application
Serial No.: 09/764,220
For: INTEGRATED MULTI-VENDOR INTERNET SHOPPING MALL MANAGEMENT
SYSTEM INCLUDING A PLURALITY OF CYBER COMMERCIAL AGENCIES
Inventor: Bum-hee LEE
Our Docket: 1293.1161

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COMMENTS:

AMENDMENT, FEE TRANSMITTAL

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